

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF GEORGIA**  
**STATESBORO DIVISION**

MISTRELL ALVIN, )  
                        )  
Petitioner,         )  
                        )  
v.                    )      Case No. CV611-065  
                        )      CR606-026  
UNITED STATES OF AMERICA, )  
                        )  
Respondent.         )

**ORDER**

Convicted of violating 21 U.S.C. § 846, CR606-026, doc. 720,<sup>1</sup> *aff'd*, *United States v. Bacon*, 598 F.3d 772 (11th Cir. 2010), Mistell Alvin moved for 28 U.S.C. § 2255 relief. CR606-026, docs. 1212 & 1214. This Court denied relief on January 30, 2012. Doc. 35. On February 25, 2012, Alvin signed and mailed to this Court his “Motion for Reconsideration,” which is fairly construed as an Fed. R. Civ. P. 59(e) motion. Doc. 1319 at 24.

While the motion is timely, *see* Rule 59(e) (it must be filed within 28 days of judgment), “[a] motion to alter or amend a judgment cannot be used to relitigate old matters, raise arguments, or present evidence

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<sup>1</sup> The Court is citing only to the criminal docket and using its docketing software's pagination, which may not always line up with each paper-document's pagination.

that could have been raised prior to the entry of judgment. *See Arthur v. King*, 500 F.3d 1335, 1343 (11th Cir. 2007); *Michael Linet, Inc. v. Vill. of Wellington*, 408 F.3d 757, 763 (11th Cir. 2005).” *Jones v. Southern Pan Services*, 2012 WL 29071 at \* 2 (11th Cir. Jan. 6, 2012). Because that is all that Alvin has done here, it is **DENIED**. Doc. 1319.

**SO ORDERED** this 6th day of March, 2012.

  
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UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA